

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 21 2011

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
HERITAGE COAL COMPANY, L.L.C. )  
(f/k/a PEABODY COAL COMPANY, L.L.C.) )  
)  
Respondent. )

PCB No. 99-134  
(Enforcement – Water)

ORIGINAL

UNOPPOSED MOTION FOR ADDITIONAL ENLARGEMENT OF TIME

NOW COMES Respondent, HERITAGE COAL COMPANY, L.L.C., through its undersigned attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Stephen F. Hedinger of counsel, and moves this Board through its Hearing Officer to grant an extension of time to and until June 30, 2011 within which for Respondent to file its reply to the response submitted by Complainant to Respondent's motion for partial summary judgment. In support of this motion, Respondent states as follows:

1. By order entered May 19, 2011, the Hearing Officer granted Respondent's request that the reply be due on or before June 20, 2011.
2. Since filing the motion for enlargement and entry of the Hearing Officer's May 19 order, serious and severe conflicts, primarily of a personal nature, have made it impossible for counsel for Respondent to finalize the reply by the date requested. Among other things, Respondent's primary counsel's work on the reply has been hindered by family sickness, the sale of a house and necessary move, and other personal circumstances.
3. Respondent has made substantial progress toward completion of the reply, despite the impeding circumstances. With a realistic assessment of counsel's upcoming schedules,

Respondent requests that the deadline for filing the reply be extended for an additional ten days, to and until June 30, 2011.

4. Counsel for Respondent has conferred with counsel for Complainant, who advises that Complainant has no objection to this motion. The motion seeks an enlargement of time necessary for Respondent to fully and thoroughly address the arguments and legal and factual authorities discussed in Complainant's motion with respect to the novel issues of first impression raised by the motion for partial summary judgment.

WHEREFORE Respondent, HERITAGE COAL COMPANY, L.L.C., requests that this Board, through its Hearing Officer, grant to Respondent an additional extension to and until June 30, 2011 within which to file its reply to the response filed by Complainant to Respondent's Motion for Partial Summary Judgment in this matter.

Dated: June 16, 2011

Respectfully submitted,

HERITAGE COAL COMPANY, L.L.C.  
(f/k/a PEABODY COAL COMPANY,  
L.L.C.), Respondent,

By:

  
Stephen F. Hedinger

Sorling, Northrup, Hanna,  
Cullen & Cochran, Ltd.  
Stephen F. Hedinger, of Counsel  
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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, certify that I have served a copy of the foregoing document upon:

Bradley Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601

Thomas Davis  
Office of the Illinois Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, IL 62706

W.C. Blanton  
Husch Blackwell LLP  
4801 Main Street  
Suite 1000  
Kansas City, MO 64112

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by depositing same in the U.S. Mail, first class, postage prepaid, on this 16<sup>th</sup> day of June, 2011.

Similarly, the original and three copies were mailed to:

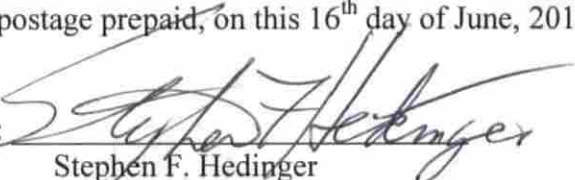
ORIGINAL

John T. Therriault  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601

by depositing same in the U.S. Mail, first class, postage prepaid, on this 16<sup>th</sup> day of June, 2011.

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By:

  
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